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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,003	08/31/2001	Janos G. Stiasny	13752	9287

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,003

Applicant(s)

STIASNY, JANOS G.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Applicant's response, filed on 03/30/2005.
2. Claims 1-74 are pending. Claims 75 is added.
3. The rejection to claims 1-74 under 35 USC 102 (e) as being anticipated by Stein et al (U.S. Pat. No. 6,246,996) as set forth in the office action mailed on 09/30/2004 is maintained.

Claim Rejections - 35 USC § 102

4. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
5. Claims 1-75 are rejected under 35 U.S.C. 102 (e) as being anticipated by Stein et al (U.S. Pat. No. 6,246,996).

As per claim 1 and 7-75 Stein discloses a payment system for enabling a first internet user to make a payment to a second internet user, typically for the purchase of an information product deliverable over the internet. The payment system provides

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cardholder accounts for the first and second internet users (which is readable as Applicant's claimed invention wherein said a method of conducting a cardholder transaction), comprising:

Presenting information stored on a card, in electronic form for review by an adjudicator (or front end program 90 or back end program 92) see., abstract, figs 1, 3 and 8, col 3, lines 16-67, col 4, lines 1-67;

Sensing identification of the adjudicator reviewing the information at the time the information is presented (see., col 7, lines 15-67, col 8, lines 1-27, abstract, figs 1, 3 and 8);

Authorizing the completion of a transaction in response to receipt of said identification of said adjudicator (see., col 7, lines 15-67, col 8, lines 1-27, abstract, figs 1, 3 and 8, specifically wherein said the front end program 90 asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller 28...). As per claim 75, Stein discloses an Internet network that can be accessed by a computer or plurality of computers. It is inherent to realize that a portable computer can also be connected to the network of Stein as well.

As per claim 2, Stein discloses the claimed method of authorizing a transaction to proceed in response to receiving an identification of an adjudicator confirming that computer readable information retrieved from a card matches a feature of a bearer of the card while said information is being presented to said adjudicator (see., col 7, lines 15-67, col 8, lines 1-27, abstract, figs 1, 3 and 8, specifically wherein said the front end

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program 90 asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller 28...).

As per claim 3, Stein discloses the claimed method of receiving data stored on said card to enable a representation of said data to be presented to said adjudicator to permit said adjudicator to compare said representation with said feature of said bearer of the card (see., col 7, lines 15-67, col 8, lines 1-27, abstract, figs 1, 3 and 8, specifically wherein said the front end program 90 asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller 28...).

As per claims 4 and 5, Stein discloses the claimed method wherein receiving said identification comprises receiving said identification while said information is being presented to said adjudicator (see., col 7, lines 15-67, col 8, lines 1-27, abstract, figs 1, 3 and 8, specifically wherein said the front end program 90 asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller 28...).

As per claim 6, Stein discloses the claimed method wherein authorizing comprises enabling a message relating to said transaction to be transmitted to an account service (see., abstract).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 03/30/2005 have been fully considered but they are persuasive.

REMARKS

7. In response to Applicant's arguments, Applicant argues that the prior art of record Stein 996" fails to anticipate or render obvious the recited feature:

a. " Applicant argues that the word ADJUDICATOR is defined in Webster's Universal College Dictionary as to settle or determine (an issue or dispute) judicially or to sit in judgment; act as a judge". The Examiner agrees with the Webster's Universal College Dictionary definition of the word ADJUDICATOR (OR JUDGE). However, the Examiner respectfully disagrees with the Applicant assertion that the front end program 90 is NOT acting as a judge. For instance, first, the front end program 90 asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller. The front end program 90 sends a transfer-query message 140 (transfer-query message 140 or receipt or electronic receipt) to the to the buyer. Secondl the transfer-query message contains transaction-identifier uniquely-generated by the front end program 90. Third, the front end program 90 sends the seller an inquiry-result message. The inquiry-result message contains the buyer's cardnumber and the state associated with the buyer's account. If the buyer's cardholder account state is active, the buyer is in good standing, and if the buyer's cardnumber and the state is invalid, the seller knows that the account is no good (see., col 7, lines 59-67, col 8, lines 1-27). Therefore, the front end program 90 is acting as a judge.

b. " receipt of said identification of said adjudicator". As noted above, it is believed that Stein discloses this limitation in col 7, lines 59-67, col 8, lines 1-27, specifically wherein said the frond end program 90 (or adjudicator) asks the buyer 20 whether the buyer 20 wishes to authorize payment for the transaction 132 to the seller. The front end program 90 sends a transfer-query message 140 (transfer-query message 140 or receipt or electronic receipt) to the to the buyer.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

July 01, 2005